UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KURT D. JANISOWSKI,

        Plaintiff,

vs.

COMMISSIONER OF
SOCIAL SECURITY,

        Defendant.

_____/

Civil Action No.
11-CV-12223

HON. MARK A. GOLDSMITH

ORDER (1) ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION, (2) DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, and (3) GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

This matter is presently before the Court on the Report and Recommendation ("R&R") of Magistrate Judge Michael Hluchaniuk, issued on August 3, 2012. The Magistrate Judge recommends that the Commissioner's motion for summary judgment be denied, that Plaintiff's motion for summary judgment be granted, and that the matter be remanded for further proceedings. The parties have not filed objections to the R&R, and the time to do so has expired. Therefore, the parties have waived any right to challenge the R&R. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons.[1] Accordingly, the Magistrate Judge's R&R is accepted and adopted as the findings and conclusions of the Court, the Commissioner's motion for summary judgment (Dkt. 10) is denied, Plaintiff's motion for summary judgment (Dkt. 9) is granted, and the matter is remanded for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

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[1] The Court modifies the R&R as follows: On the last line of page six of the R&R, "the ALJ urges . . ." is changed to "the Commissioner urges . . ."

SO ORDERED.

Dated: August 20, 2012   s/Mark A. Goldsmith
       Flint, Michigan   MARK A. GOLDSMITH
                                      United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 20, 2012.

                                           s/Deborah J. Goltz
                                           DEBORAH J. GOLTZ
                                           Case Manager